IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8770 OF 2005

Shri Hemchandra Dattatray Pradhan
and ors. ..Petitioners

Vs.

Sou. Veena Sanjay Samarth
and ors. ..Respondents

Mr. G.S. Godbole for the petitioners.
Mr. N.M. Deshpande for respondents.

CORAM: B.H. MARLAPALLE, J.

Date : July 17, 2006.

P.C.:

1. Heard Mr. Godbole the learned counsel for the petitioners-defendants and Mr. Deshpande the learned counsel for the respondents.

2. The present respondent no.1 has filed Special Civil Suit No.24 of 2005 and claimed her share in the suit property to the extent of 1/15 and as per her the suit property is valued at Rs.35 lacs. The trial court allowed the application for temporary injunction at Exh.16 by its order dated 29/7/2005 and the same

was challenged by the defendants in Misc. Civil Appeal No.239 of 2005. The appeal came to be dismissed by the learned 10th Ad-hoc Additional District Judge, Pune on 18/10/2005 and hence this petition by the defendants.

3. In obedience of the order passed by this court on 22/12/2005 the defendants have deposited an amount of Rs.5 lacs in the Registry of this court and the plaintiff's share even if it is proved in the pending suit comes to about Rs.2,34,000/-.

4. Hence the petition is disposed off by directing the Registry to transfer the deposited amount to the Registry of the trial court and the trial court will invest the said amount initially for a period of two years and the disbursement of the said amount shall be subject to the final out come in the pending suit. Trial of the suit is hereby expedited.

5. In case the other two sisters claim such equitable rights for directing defendants to deposit the amount in the trial court, it is for the trial

court to consider such an application on its own merits. It is made clear that the trial of the suit will proceed without being influenced by any observations made in the interlocutory order and in view of the deposit made by the defendants, the order of injunction granted by the trial court stands vacated.

(B.H. Marlapalle,J.)